



WASHINGTON STATE
PODIATRIC MEDICAL BOARD
CONFERENCE CALL MINUTES
January 12, 2006

The conference call of the Washington Podiatric Medical Board originated from the Department of Health, 310 SE Israel Road, 2nd Floor, Tumwater, Washington. The conference call commenced at 12:30 p.m.

Board Members Present: David Bernstein, D.P.M., Chair
 Stewart Brim, D.P.M., Vice-Chair
 Rex Nilson, D.P.M.
 James Porter, D.P.M.

Staff Present: Blake Maresh, Executive Director
 Arlene Robertson, Program Manager
 Dori Jaffe, Assistant Attorney General
 Karen Maasjo, Administrative Staff
 Peter Harris, Staff Attorney (closed session)

Telephone Participants

Harold Huff, DPM & Todd Herzog, CRNA, Nursing Care Quality Assurance Commission member
Linda Hull, Lobbyist for the Anesthesiologists
Susan Scanlan, DPM, Executive Director, Washington State Podiatric Medical Association
Tom Burghardt, DPM, President, WSPMA
Don Hovanscek, DPM, WSPMA Legislative Liaison
Kristin Peterson, Washington Hospital Association
Dan Simonson, President, Washington Association of Nurse Anesthetists
Larry Peterson, Administrator, and Sharon Howard, Risk Manager, Lake Chelan Community Hospital
Jackie Houck, Director, Rural Health Access Quality Network

Public Present

Gail McGaffick, Lobbyist for WSPMA and CRNAs

DOH Employees Present

Bonnie King, Director-Health Professions Quality Assurance
Susan Kelly, Program Manager, Ambulatory Care
Pam Lovinger, Policy Director – HSQA, Assistant Secretary's office
Leann Yount, Rules Coordinator, Health Professions Quality Assurance
Tami Thompson, Policy Office, Health Professions Quality Assurance
Kris Sparks, Director, Office of Community and Rural Health
Mike Lee, Office of Community and Rural Health
Chuck Cumiskey, Nurse Practice Manager, Nursing Care Quality Assurance Commission

1. Open Public Meetings Act Clarification – Dori Jaffe, AAG

ISSUE

Public contact with the board members and complying with the Open Public Meetings Act.

ACTION

Ms. Jaffe provided brief background information on the Open Public Meetings Act. She noted that business that is to go before the Board should be forwarded to program staff so that the same information can be shared with all of the board members. Board members should not be contacted individually to discuss board issues because of the appearance of fairness. Individual board members cannot speak for the Board. The Board must consider issues in an open manner so the public has an opportunity to participate in the process.

2. Administration of Anesthesia for Podiatric Patients
Review WAC 246-922-001 relative to the administration and supervision required for non-physician practitioners providing spinal and general anesthesia for podiatric patients.
 - 2.1 Draft Interpretive Statement
 - 2.2 AAG legal advice.
 - 2.3 Exemption letter to Centers for Medicare and Medicaid Services
 - 2.4 Background report on opt out review (partial).
 - 2.5 Communication from Washington State Podiatric Medical Association – Thomas Burghardt, DPM, President and Susan Scanlan, DPM, Executive Director
 - 2.6 Advanced registered nursing practice statute and rules.

ISSUE

Facility and Services Licensing (FSL) staff advised the Board that some podiatric physicians and CRNA's are in violation of WAC 246-922-001. Subsection (5) provides that, "A podiatric physician and surgeon shall not administer a general or spinal anesthetic, however, a podiatric physician and surgeon may treat ailments of the human foot when the treatment requires use of a general or spinal anesthetic **provided that the administration of the general or spinal anesthetic is by or under the supervision of a physician authorized under chapter 18.71 or 18.57 RCW.**" FSL has indicated that since they are now aware of the podiatry rule, it's inspectors will have no choice but to issue a citation if a CRNA is found to be providing these services for podiatric patients without physician supervision. FSL staff is willing to work with the Board on this issue so that the facilities they inspect will not be cited. The Board is being requested to provide an interpretive statement pertaining to the rule to define and clarify "under the supervision of a physician".

The ability to use CRNAs, particularly in rural areas, is having an impact on the practice of both CRNAs and podiatric physicians as well as patient care. An informal survey by the Washington Association of Nurse Anesthetists indicates that over 20 of its members had been giving spinals/general anesthetics to podiatric patients.

The Board is also being asked to modify the rule to include CRNAs as providers of anesthesia that would be consistent with federal and state laws.

ACTION

Dr. Bernstein asked for comments from the participants about the various practice settings and what type of resolution they are seeking. Dr. Burghardt indicated that the WSPMA's long term solution would be for the Board to change the rule so it is consistent with the opt out request sent to the Centers for Medicare and Medicaid services by Governor Locke in October 2003. A more immediate solution would be to define that any physician, not necessarily an anesthesiologist, could provide the supervision as specified in WAC 246-922-001(5). Mr. Peterson indicated that his facility does not have an anesthesiologist available but could have a physician provide supervision. Mr. Simonson indicated that the Medicare conditions for participation allow CRNAs to practice independently, if permitted by state laws. The facility or hospital has the responsibility to privilege the CRNA for skills needed to practice, including the skills to handle an emergency. Mr. Cuminskey indicated that staffing requirements are outlined in hospital bylaws.

Other comments reflected the shortage of anesthesiologists in rural areas and that CRNA practice is safe. The inability for CRNAs to provide anesthesia services for podiatric patients creates a hardship for both CRNAs and podiatric physicians and limits access for patients.

After all comments were received and the Board's questions were answered, the Board reviewed each sentence. The Board decided whether to keep it as written, modify or delete it. The approved Interpretive Statement is attached to the minutes as Attachment 1.

The Board approved filing the CR101 to modify WAC 246-922-001.

Closed Session

3. Complaint reviews.
The Board completed two complaint reviews.

4. Reviewing board member case reviews.

<u>CASE NUMBER</u>	<u>DISPOSITION</u>
2005-05-0001PO	Issue denial of license; forward for Legal review.

The conference call was adjourned at 1:50 pm.

Respectfully Submitted

Arlene Robertson
Program Manager

